

H 526

CONGRESSIONAL RECORD—HOUSE

February 6, 1974

solve their problems in the democratic way, through negotiations and bargaining, rather than fear and terror on the Nation's highways. The American people, particularly those in our part of the country, have seen enough demonstrations of this type and will not stand for it in the future.

I have today contacted President Nixon urging that he use whatever means at his disposal to bring to an immediate halt the lawlessness that is taking place on the roads of America. In this same regard, I have called upon the leadership of the Congress, both Democratic and Republican, to postpone the Lincoln Day recess, scheduled to begin Thursday, February 8, and remain in session until some solution to this most vital problem is found.

#### ELECTION RESULTS IN PENNSYLVANIA

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. BURTON. Mr. Speaker, I want to express my delight with the election results of yesterday in the Pennsylvania special election to fill the vacancy created by the untimely death of our former colleague, John Saylor.

This district, as we all know, was represented for over two decades by that distinguished Member of the Republican Party, the gentleman from Pennsylvania, Mr. Saylor.

May I read from the following release:

Tuesday's special election in the 12th Congressional District of Pennsylvania indicates that Republicans will suffer heavy losses in the 1974 elections, according to Rep. Phillip Burton, Chairman of the Democratic Study Group Campaign Committee.

Tuesday's balloting showed a fall off of over 10 percent in the average Republican vote in that district, Burton said, and a drop of 18 percent from 1972. The Republican vote in Congressional elections in the 12th District during the past 20 years has averaged about 60 percent. It was 69 percent in 1972 and has not gone below 57 percent in any election since 1954.

If there were a 10 percent drop in the Republican vote across the country, Burton said, it would result in a loss of 70 GOP seats in the House. A 5 percent drop in the GOP vote would result in a loss of 34 GOP seats while a drop of 15 percent would result in a loss of more than 100 Republican seats in the House.

Burton added that GOP efforts to portray the 12th District as Democratic territory do not square with how the district has voted in federal elections during the past two decades. It has voted Republican in four of the last six Presidential elections (1952, 1956, 1960 and 1972) and just missed going Republican by less than 1 percent of the vote in 1968; it voted Republican in four of the last six elections for the U.S. Senate (1958, 1964, 1968 and 1970); and it has voted Republican for the House of Representatives in every election but one (1948) since World War II.

#### CONGRESSIONAL SEMINAR FOR NAVY WIVES

(Mr. GILMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, Members of the 93d Congressional Club were honored today to host a congressional seminar for 20 wives of Navy officers and enlisted men living in the Washington area, including Mrs. Elmo Zumwalt.

We are pleased to have this opportunity to meet and to confer with the ladies of our Navy personnel and to provide them with an insight to the procedures and operations of the Congress.

It is important for all of our citizens to be fully familiar with and actively concerned in our system of government, and it is even more important that our service personnel, who act as ambassadors throughout the world, be familiar and conversant with the workings of the Congress.

The newer Republican Members of Congress in the 93d Club are pleased to undertake this project and look forward to their dialog with the Navy wives during the course of these congressional seminars.

#### THE MAJORITY LEADER COMMENTS ON PENNSYLVANIA'S ELECTION RESULTS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, at this time I would like to make a few comments on the election that took place yesterday in Pennsylvania.

Jack Murtha, a businessman from Johnstown, Pa., took full advantage of his personable, sound, and hardhitting campaign to win Pennsylvania's 12th District, which, as we know, was represented by our colleague, John Saylor, for a period of 26 years.

Jack Murtha's history of supporting the workingman's interests in the Pennsylvania Statehouse won for him the support of the people in that district.

But it was his convincing consolidation of labor and farm support, along with industrial support, that added the formidable plus to his campaign. His firm, eminently reasonable campaign struck at the loss of confidence in government on the issues of inflation and the energy crisis.

His slogan, "One honest man can make a difference," was his only broadside at Watergate, and it was an understandable and inadvertent undercurrent of the campaign.

It is my belief that this is the first in a long string of colossal victories that are going to come the way of the Democratic Party because of the people of the country are voting their resentment as to the things that are happening in this administration, principally concerning the economy and the crises we have been working and living under for the past 5 years.

#### ELECTION IN PENNSYLVANIA

(Mr. CEDERBERG asked and was given permission to address the House for remarks.)

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the majority leader regarding the election in Pennsylvania. If I were on the other side of the aisle, I would not be too heartened by the results. I understand they have won now in the unofficial results by 32 votes out of 120,000 in a district that has over 9,000 more registered Democrats than Republicans. That hardly looks like a landslide to me, and I would caution them that probably the election is not even over as of now.

#### INVESTIGATORY POWERS OF COMMITTEE ON THE JUDICIARY WITH RESPECT TO ITS IMPEACHMENT INQUIRY

Mr. RODINO. Mr. Speaker, I call up House Resolution 803 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 803

Resolved, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the chairman for the purposes hereof and in accordance with the rules of the committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Sec. 2. (a) For the purpose of making such investigation, the committee is authorized to require—

- (1) by subpoena or otherwise—
  - (A) the attendance and testimony of any person (including at a taking of a deposition by counsel for the committee); and
  - (B) the production of such things; and
- (2) by interrogatory, the furnishing of such information;

as it deems necessary to such investigation. (b) Such authority of the committee may be exercised—

- (1) by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision; or
- (2) by the committee acting as a whole or by subcommittee.

Subpoenas and interrogatories so authorized may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them, and may be served by any person designated by the chairman, or ranking minority member, or any member designated by either of them. The chairman, or ranking minority member, or any member designated by either of them (or, with respect to any deposition, answer to interrogatory, or affidavit, any person authorized by law to administer oaths) may administer oaths to any witness. For the purposes of this section, "things" includes, without limitation, books, records, correspondence, logs, journals, memorandums, papers, documents, writings, drawings, graphs, charts, photographs, reproductions, recordings, tapes, transcripts, printouts, data compilations from which information can be obtained (translated if necessary, through detection devices into reasonably usable form), tangible objects, and other things of

Sec. 3. For the purpose of making such

February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 527

Investigation, the committee, and any subcommittee thereof, are authorized to sit and act, without regard to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings, as it deems necessary.

Sec. 4. Any funds made available to the Committee on the Judiciary under House Resolution 702 of the Ninety-third Congress, adopted November 15, 1973, or made available for the purpose hereafter, may be expended for the purpose of carrying out the investigation authorized and directed by this resolution.

## CALL OF THE HOUSE

Mr. FROELICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

## [Roll No. 19]

Abzug	Fraser	Pepper
Broyhill, Va.	Gibbons	Peyser
Chisholm	Gilman	Powell, Ohio
Clark	Gray	Rallsback
Clausen	Gubser	Field
Don H.	Haley	Roncalio, Wyo.
Dingell	Hanna	Rooney, N.Y.
Dulski	Jones, Ala.	Rosenthal
Eckhardt	Lott	Roy
Edwards, Ala.	McSpadden	Sikes
Edwards, Calif.	Mathias, Calif.	Skubitz
Esch	Mills	Slack
Fish	Murphy, N.Y.	
Ford	Passman	

The SPEAKER. On this rollcall 390 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERSONAL EXPLANATION

Mr. RONCALIO of Wyoming. Mr. Speaker, may I be included in the quorum call? I was here before the gavel fell. Has the vote been announced, Mr. Speaker?

The SPEAKER. The gentleman's remarks will appear in the record.

Mr. RONCALIO of Wyoming. Mr. Speaker, I appeared before the announcement. May I be heard?

The SPEAKER. The Chair looked all over the Chamber after the Chair had announced that all time had expired and the Chair always requests that Members will cooperate in making their presence known. The Chair never announces the result, even after he has said that all time has expired, without looking all over the Chamber.

Mr. RONCALIO of Wyoming. I thank the Chair, Mr. Speaker.

## INVESTIGATORY POWERS OF COMMITTEE ON THE JUDICIARY WITH RESPECT TO ITS IMPEACHMENT INQUIRY

The SPEAKER. The New Jersey is recognized.

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the English statesman Edmund Burke said, in addressing an important constitutional question, more than 200 years ago:

We stand in a situation very honorable to ourselves and very useful to our country, if we do not abuse or abandon the trust that is placed in us.

We stand in such a position now, and—whatever the result—we are going to be just, and honorable, and worthy of the public trust.

Our responsibility in this is clear. The Constitution says, in article 1; section 2, clause 5:

The House of Representatives, shall have the sole power of impeachment.

A number of impeachment resolutions were introduced by Members of the House in the last session of the Congress. They were referred to the Judiciary Committee by the Speaker.

We have reached the point when it is important that the House explicitly confirm our responsibility under the Constitution.

We are asking the House of Representatives, by this resolution, to authorize and direct the Committee on the Judiciary to investigate the conduct of the President of the United States, to determine whether or not evidence exists that the President is responsible for any acts that in the contemplation of the Constitution are grounds for impeachment, and if such evidence exists, whether or not it is sufficient to require the House to exercise its constitutional powers.

As part of that resolution, we are asking the House to give the Judiciary Committee the power of subpoena in its investigations.

Such a resolution has always been passed by the House. The committee has voted unanimously to recommend that the House of Representatives adopt this resolution. It is a necessary step if we are to meet our obligations.

Beyond that, at this preliminary point, we are going to say little. The committee is seeking to understand just what is contemplated in the constitutional definition of impeachment.

For this, we have the papers of the Founding Fathers, some historical precedents, and the words of the Constitution itself. We are studying these.

The committee is seeking to understand the events within the scope of our investigation. We will consider, on the basis of impeachment resolutions already referred to us, of evidence already on the public record and of other evidence, whether or not serious abuses of power or violations of the public trust have occurred, and if they have, whether, under the Constitution, they are grounds for impeachment.

We will consider whether, in fact and under the Constitution, the President is responsible for any such offenses.

These are extremely grave questions, which seriously preoccupy the country. We cannot turn away, out of partisanism, from these questions. They are now our responsibility, our inescapable

responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate, and then to pretend that we had not by default, made choices.

Whatever we learn, whatever we conclude, the manner in which we proceed is of historic importance—to the country, to the Presidency, to the House, to the people, to our constitutional system, and unquestionably, to future generations. This Nation was founded in response to one abuse of power: our Constitution was written to guard against others, whether by the Government against its citizens, or by any branch of Government against another.

We, as representatives of the people, were elected under that Constitution, which specifically defines our powers and obligations. Our whole system, since the Founding Fathers, rests on the principle that power itself has constitutional limits and embodies a trust. Those who govern are regularly accountable to the people, in elections, but always most highly accountable to the law and the Constitution itself. We ourselves are accountable. We will be worthy of our trust.

We know that the real security of this Nation lies in the integrity of its institutions, and the informed confidence of its people. We will conduct our deliberations in that spirit.

It has been said that our country, troubled by too many crises in recent years, is too tired to consider this one. In the first year of the Republic, Thomas Paine wrote:

Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

For almost 200 years, Americans have undergone the stress of preserving their freedom and the Constitution that protects it. It is our turn now.

We are going to work expeditiously and fairly. When we have completed our inquiry, whatever the result, we will make our recommendations to the House. We will do so as soon as we can, consistent with principles of fairness and completeness.

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: That was the right course. There was no other way.

Mr. Speaker, I shall now seek to explain the resolution.

House Resolution 303 authorizes and directs the Committee on the Judiciary, acting as a whole or by subcommittee established or designated for this purpose, to investigate fully and completely whether sufficient grounds exist for the House to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. It directs the committee to report to the House any resolutions, articles of impeachment, or other recommendations

If, after a full and complete investigation,

tion, the committee determines not to recommend impeachment to the House, it may report this conclusion, together with any resolution that it deems appropriate in these circumstances. If, on the other hand, the committee determines after its investigation to recommend impeachment, it may report a resolution of impeachment that may include or be accompanied by specific articles of impeachment, as well as any other appropriate resolutions or recommendations.

The scope of the investigation authorized by House Resolution 803 is stated broadly to avoid foreclosing inquiry into any matter that may bear upon, or ultimately lead to evidence bearing upon, the existence or nonexistence of sufficient grounds for impeachment.

The powers of the House in an impeachment investigation stem from the express grant to the House by the Constitution of the sole power of impeachment; they do not depend upon any statutory provisions or require judicial enforcement. The sole power of impeachment carries with it the power to conduct a full and complete investigation of whether sufficient grounds for impeachment exist or do not exist, and by this resolution these investigative powers are conferred to their full extent upon the Committee on the Judiciary. It is intended that the committee and its subcommittee be empowered to exercise in any and every case the full, original, and unqualified investigative power conferred upon the House by the Constitution.

House Resolution 803 empowers the committee to require the attendance and testimony of such witnesses as it deems necessary, by subpoena or otherwise. It authorizes the committee to take such testimony at hearings, by affidavit, or by deposition. Depositions may be taken before counsel to the committee, without a member of the committee being present, thus expediting the committee's investigation. House Resolution 803 further authorizes the committee to require the furnishing of information in response to interrogatories propounded by the committee. Like the deposition authority, the authority to compel answers to written interrogatories is intended to permit the committee to conduct a thorough investigation under as expeditious a schedule as possible.

The committee's investigative authority is intended to be fully coextensive with the power of the House in an impeachment investigation—with respect to the persons who may be required to respond, the methods by which response may be required, and the types of information and materials required to be furnished and produced. It includes the right, to the extent the committee deems necessary for purposes of its investigation, to obtain full and complete access to any persons, information, or things in the custody or under the control of any agency, officer, or employee of the Government of the United States, including the President.

The authority of the chairman and ranking minority member under section 2 is intended to include both the power to authorize the issuance of a subpoena or

other process and the power to determine the necessity of the information sought to the investigation as contemplated by subsection (a) of section 2.

Of course, the committee may, in the first instance, exercise this same authority acting as the Whole Committee or by a subcommittee.

Mr. McCLODY. Will the gentleman yield for an inquiry?

I would like to inquire of the gentleman his intention with respect to the conclusion of this inquiry and when the gentleman intends to report the findings and conclusions of this inquiry to the House of Representatives.

Mr. RODINO. The gentleman knows that the chairman has stated time and again that it is his intention and the intention of the committee to impose upon itself a target date of April 30. But the chairman recognizes, as the committee does, that to be locked in to such a date would be totally irresponsible and unwise; the committee would be in no position to state at this time whether our inquiry would be completed, would be thorough, so that we can make a fair and responsible judgment.

Mr. McCLODY. Will the gentleman yield further?

Mr. RODINO. I cannot yield further, because I have little time and I would like to yield now to the gentleman from Michigan (Mr. HUTCHINSON) 5 minutes for the purposes of debate only.

Mr. HUTCHINSON. Mr. Speaker, the first section of this resolution authorizes and directs your Judiciary Committee to investigate fully whether sufficient grounds exist to impeach the President of the United States. This constitutes the first explicit and formal action in the whole House to authorize such an inquiry.

The last section of the resolution validates the use by the committee of that million dollars allotted to it last November for purposes of the impeachment inquiry. Members will recall that the million dollar resolution made no reference to the impeachment inquiry but merely allotted that sum of money to the committee to be expended on matters within its jurisdiction. All Members of the House understood its intended purpose.

But the rule of the House defining the jurisdiction of committees does not place jurisdiction over impeachment matters in the Judiciary Committee. In fact, it does not place such jurisdiction anywhere. So this resolution vests jurisdiction in the committee over this particular impeachment matter, and it ratifies the authority of the committee to expend for the purpose those funds allocated to it last November, as well as whatever additional funds may be hereafter authorized.

The principal purpose of this resolution is to vest subpoena power in the committee for purposes of its investigation. As the chairman (Mr. RODINO) has explained, the power is vested in the committee, and the committee acting as a whole or by subcommittee may direct the issuance of a subpoena.

While the committee is vested with the power, it is contemplated that the authority of the committee will be exercised in accordance with section 2(b)(1).

There it is provided that the chairman and ranking minority member act jointly, or, if either declines to act, then by the other acting alone. In that case, however, either he who declines or he who assents may take the issue to the whole committee, where the question will be whether the subpoena shall issue.

Now it is obvious that if such differences as are taken to the committee be decided along party lines, the ranking minority member will be the loser every time. But the majority have committed themselves to a fair, impartial and complete inquiry, and being so committed, I would not expect them to deny to the minority the right to adduce relevant factual material which would contribute to the completeness of the inquiry. Should they do so, we would of course call attention to their refusal.

The chairman and I are agreed that if a subpoena is to be issued to the President of the United States, only the full committee shall authorize it. I inform the House here and now that I will decline to join in the authorization for such a subpoena, thus assuring that the question will reach the full committee. I do not contemplate that the necessity for such a subpoena will arise. I believe the House should avoid constitutional confrontation, and that every effort be made to request only that information which is relevant. I expect the committee to ask for specific documentation and to be able to justify its relevancy.

I will join with the chairman in authorizing subpoenas only after understanding exactly what is sought and the reason for it, and then only after every reasonable effort to obtain the information through voluntary request and discussion has been exhausted. I believe resort to the subpoena power should be the last resort, not the first.

The resolution before you carries no cutoff date. The committee has set for itself a target date of April 30, 1974. The tragedy called Watergate has now been the subject of inquiry for approximately a year, the Senate Watergate Committee, by the Special Prosecutor's Office, now by the House Judiciary Committee. Although charges have raged in the media there has yet to be demonstrated any evidence of impeachable conduct. Therefore, if by the end of April no such evidence has been produced, the committee should so report to the House and end its labors.

Mr. RODINO. Mr. Speaker, I yield 5 minutes for the purpose of debate only to the gentleman from Texas (Mr. BROOKS).

(Mr. BROOKS asked and was given permission to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it should be pointed out that the action of the Judiciary Committee and its chairman in sharing the authority to issue subpoenas with the ranking minority member is against all precedents. I add that it is also over my objections. However, it is the will of the chairman and the will of the committee.

This action is intended to underline the nonpartisan nature of our responsibility. I trust my colleagues of the

February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 529

minority will recognize this and I urge them to respond in kind.

The chairman and the majority members of the Judiciary Committee have every intention of proceeding expeditiously, fairly and thoroughly. However, we can only do so if we have the cooperation of the minority. Chairman RODINO is clearly going out of his way to prevent any actions that could be interpreted as partisan. He cannot, nor can the committee as a whole, proscribe any acts or statements of individual members. However, I am hopeful that this willingness to share a power traditionally and jealously held by the chairman will inspire our colleagues of the minority to also put aside purely partisan activity.

I am not charging partisanship on the part of my Republican colleagues, nor have any of my colleagues on this side of the aisle. However, such charges have been heard from some of the minority and from one who only recently was a Member of this body. I urge those individuals to refrain from such divisive activities and let the committee proceed with its work unhampered by regularly having to respond to baseless charges of conspiring or worse.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend, the gentleman from Indiana.

Mr. DENNIS. I thank my distinguished friend for yielding.

I am not suggesting, of course, any such thing as partisanship, but since the gentleman has brought up the matter of how generous and fair the chairman of the majority has been on this subpoena power, I would like to remind the gentleman from Texas that he had an opportunity in the committee to vote for an amendment on that very point which would have given the minority exactly even and equal subpoena power, instead of subjecting the alleged joint power to a veto by a majority of the committee, as was done, in the resolution actually presented.

Mr. BROOKS. In reply to my distinguished friend, I would make crystal clear that the authority given to the minority member and to the chairman, the right to exercise authority, is essentially the same. It is the same. Both are subject to a veto by a majority of the membership of that committee.

This House has operated for many years by a majority rule, and in every committee in this Congress that has the authority to issue subpoenas the issuance is normally by the chairman. He issues them, but the authority rests in the committee. In this instance if there were some controversy, certainly we could not enforce a subpoena if the majority of the committee were opposed to it.

Mr. DENNIS. Mr. Speaker, will the gentleman yield again?

Mr. BROOKS. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding. I will point out, of course, as the gentleman well knows, that in effect the majority in the committee is not

a normal situation or I would not even argue about giving the subpoena power to the chairman alone. This is unique. This is a question of the impeachment of the President, and there ought to be the very greatest and most complete equality.

Mr. BROOKS. We would have considerable differences if I were the chairman and the gentleman from Indiana the minority leader of the Republicans. But Mr. HUTCHINSON agreed to it and feels that it is a fair and reasonable proposal. My chairman, the gentleman from New Jersey (Mr. RODINO) agreed to it and thought it was a fair and reasonable proposal. I was not really in favor of doing anything about it, but they insisted they wanted it, and this is a fair and quite reasonable extension of authority for the minority.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Alabama.

Mr. FLOWERS. I thank the gentleman for yielding.

I would agree with the gentleman that the majority on the committee is doing everything within its power to avoid any partisanship on this entire matter. I regret that my friend, the gentleman from Indiana—whom I respect and admire a great deal—inserted it at this point. Although the majority, of course, are Democrats on the House Committee on the Judiciary, I do not think the proceedings thus far reflect any partisanship by the majority side.

Mr. BROOKS. I fully concur in the gentleman's views.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The time of the gentleman has expired.

Mr. RODINO. Mr. Speaker, I yield for the purpose of debate only 3 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES). (Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, this is a very solemn occasion. It has happened but once in the history of the Republic that a resolution such as this has been on the floor of the House. I think we all should regard it as being a very solemn occasion, as I do.

The country wants Watergate to be ended as rapidly as possible. I am satisfied that the Members of this House want Watergate to be ended as rapidly as possible. Therefore, I regard the resolution which has been brought to the floor here as being a completely appropriate exercise of the authority and the duty of the Committee on the Judiciary to conduct such investigations as are necessary in order to determine this very important question which is facing the House today.

I have had occasion to talk with the distinguished gentleman from New Jersey, the chairman of this committee, at length concerning his ideas about the investigation and the length of time involved. He has told me, as he has told the House, that he believes that the investigation of the committee can be completed by April 30. The gentleman's word is

good with me, and I certainly intend to accord him the credibility which he has earned—and he has earned it.

As far as I am personally concerned, if the question arises, I will vote for the previous question on the matter of agreeing to the resolution, and it will be my purpose to do whatever is necessary to make sure that the resolution is agreed to.

Of course, if it should happen that partisanship should come into this very solemn inquiry, then the minority will have to look at its options and decide what it will do from then on, but I think the statements which have been made as to the fact that this is an inquiry which is a fact-finding expedition of the very highest order are in accord with the ideas of the framers of the Constitution when they decided that this was the procedure to be followed. As long as the inquiry proceeds in this line and it is highly professional—and I think thus far it has been—then it will be my purpose to cooperate fully with the members of the Judiciary Committee and the staff and do everything I can to make sure that everybody else will do everything they are called upon to do so.

I think in this way we can best serve the interests of our country and have this inquiry go ahead and be ended as rapidly as possible.

Mr. RODINO. I yield 5 minutes to the gentleman from Illinois (Mr. McCLODY) for the purpose of debate only.

Mr. McCLODY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. RODINO) for yielding.

Mr. Speaker, I do not like to disagree with my minority leader but I do think this resolution is deficient in one respect, and that is there is no cutoff date. I think what the American people want more than anything else is not only a complete and thorough investigation but also an early conclusion to this matter of the pending impeachment inquiry.

I asked the question of my chairman a few moments ago as to what the cutoff date would be. I am sure that by pressing for an amendment to establish a final date for the committee's report we have encouraged him to decide on this cutoff date of April 30. He of course hopes to get through by that time.

But at the same time I want to point out that we are delegating authority—and we are delegating broad and unprecedented authority here—to a committee for a unique and extensive investigation. So we should have some kind of date when the committee is going to report its conclusions back to the House.

There is no cutoff date, no termination date in this resolution which is before us today. It can go on and on forever.

Sure, I have confidence in the word of my chairman and confidence in his hopes and expectations, and he would like to get this inquiry over with earlier, I suppose. But certainly we should have some final cutoff, some termination date. Whatever that should be, I think the House should decide today. I would like to have the chairman yield so that I can say that I am confident, and he has been very nice to yield to me for purposes



H 530

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

of debate, but I do not think he will yield to me for purposes of offering my amendment.

It seems almost beyond belief that a resolution of this importance and of such great historic significance is being presented without opportunity for amendment and under a rule which limits the debate to 1 hour. It seems to me that we should have an opportunity to offer an amendment to this resolution, and I will, when the chairman makes the motion on the previous question, ask that the motion be voted down. If it is voted down, then, and only then will I have an opportunity to offer an amendment.

I will offer an amendment which will call for a report of the conclusions and the recommendations, whatever they are, to this House on or before April 30, or if there is some better date then let us have the better date and put it in.

It was suggested that perhaps we should have 15 more days as an outside time limit on this, but there should be a time limit.

I know we have all gone back to our constituents and said: "How do you feel about impeachment?" And some have said: "I am for impeachment" and some have said, "No, I am against impeachment," but what do 80 percent of the people say? They say: "Get this business of impeachment behind us as rapidly as we can."

The chairman asks for an early conclusion and our leaders say it must be concluded expeditiously, but the people ought to know when, and it is up to us to embody in this resolution a response to their question—when.

If for some reason there is a hampering of our investigation, if the White House impedes our investigation, if other people impede our investigation, it is a very simple matter to come back here and get an extension of time of 15 days or 30 days, and I will support such an extension and so will all the Members because we do not want our prerogatives to be impinged upon in any way by anybody. We do have complete authority in this area and we should exercise it. I support the resolution insofar as the broad grant of subpoena authority is concerned. But I also support a final date when we can conclude our inquiry and report to the House and to the American people and get this issue behind us.

We have many other important issues before us such as the energy crisis, the problems of inflation and the budget and education and health and many others. All those legislative problems are going to be held up and impaired as long as this matter is hanging over our heads.

So I implore Members on both sides of the aisle. This is certainly not a partisan subject in any way at all. It is a plea for the House of Representatives to act responsibly and expeditiously and tell the American people where we stand and how we stand and when we are going to wind up this impeachment inquiry. We get criticized by the public, and we criticize ourselves because of the slow manner in which we are proceeding. We are criticized because of our laborious systems and dilatory practices which characterize the way we do our work; but

here we have an opportunity to demonstrate—and declare that we can get the job done expeditiously. We have set target dates for a legal and constitutional report on impeachment to be available on February 20, and to have all of the available factual material before our committee on March 1. If we cannot in the following 2 months wind up our inquiry it seems to me there is footdragging, there is prejudice, and there is partisanship. I hope that when the motion on the previous question is made we will vote it down so that we may have an opportunity to vote on my amendment to require the Judiciary Committee to report its findings and conclusions on or before April 30, 1974.

As I said earlier, Mr. Speaker, it had been my hope that the chairman would yield to me for purposes of offering an amendment to the pending resolution. Let me say first of all that I support the resolution confirming the authority of the House Judiciary Committee to conduct the comprehensive impeachment inquiry contemplated by the language of this resolution. The resolution appropriately directs our committee to investigate fully and completely whether sufficient grounds exist for the House of Representatives to impeach the President. In other words, we are to determine whether such grounds exist—or do not exist.

Furthermore, I support the broad subpoena authority provided in this resolution, including the manner in which the authority is to be exercised jointly by the chairman and ranking minority member, or by either acting alone except that either has the right to refer the decision to the full committee in order for such authority to be exercised. However, Mr. Speaker, the resolution is open ended. There is no date referred to in the resolution when the authority of the committee would expire. There is no requirement for the committee to prepare and report its findings and conclusions to the House, and there is no expiration date for the sweeping and unprecedented subpoena authority which is embodied in this resolution.

Now, Mr. Speaker, the only way in which I can amend this resolution and to establish some date upon which the committee shall report to the House of Representatives is first, to have this House vote down the previous question when such a motion is made by the Gentleman from New Jersey (Mr. ROBINO). If the previous question is voted down, as I hope and expect it will be, then I will simply offer an amendment to require the committee to report its findings and conclusions on or before May 15, 1974. This date does not mean that the committee will, or will not recommend Articles of Impeachment. It simply means that the committee is required to complete its investigation and offer its recommendation on or before that date.

Mr. Speaker, I have been favorably impressed by the manner in which the chairman and the committee staff have proceeded expeditiously with the investigation before the committee. However, I would point out that a number of my colleagues and I raised substantial com-

plaints regarding delays and inaction in a broad-range discussion of the subject of impeachment on the floor of this House on Tuesday, December 18, and it was not until the following day that the chairman in a spirit of true bipartisanship: First, consulted with senior Members of the minority, second, announced appointment of a special counsel for the committee, and third, first stated that the committee hoped to complete its work and report to the House by the end of April 1974.

Mr. Speaker, the April 30, 1974, date has been reiterated at various times. It is a date which I have come to regard as the time when this inquiry will be completed, and the Judiciary Committee and the House itself can get on with the other great questions facing us without the specter of impeachment facing us. Mr. Speaker, the people of the Nation are concerned and confused on the issue of impeachment. The subject is not well understood. I suspect that even some Members of the Congress may view the present inquiry in a light far beyond that which is justified. We are all receiving mail from those who favor, as well as those who oppose impeachment. The action groups which in no sense represent a broad cross section of the people of the Nation will, nevertheless, appear more determined and more vocal as the work of our committee progresses. But any of us who endeavor to secure a cross section of opinion in our congressional districts will attest to the fact that our constituents and the people of the Nation want this issue of impeachment resolved expeditiously. That, indeed, is the main impact of the amendment which I shall offer. It will provide an additional 2 weeks beyond that which the chairman has expressed as a final date for the completion of our work. Indeed, it should enable the House to approve or disapprove of the committee's recommendations before June 1.

Mr. Speaker, I am not aware of any special investigations undertaken by ad hoc or special committees of this Chamber which are open ended. That is not the way to secure results or encourage expeditious action.

In pressing for an April 30 cutoff date, I do not want for one instant to relinquish my right to support an extension of time if there is any deliberate action on the part of the White House or elsewhere which would hamper or delay our committee in completing its work. Indeed, I pledge right here and now that I would support an extension of time in such a case. On the other hand, I am aware of the delays which have occurred thus far, and I have taken note of the long drawn-out proceedings which accompanied the impeachment action initiated against President Andrew Johnson. I can recall, also, in the literature that the impeachment of Warren Hastings in Great Britain went on for 7 years—and was pending when the constitutional provisions which we are applying were adopted in 1787.

Mr. Speaker, we have established a substantial timetable in connection with the work of our committee. This timetable contemplates an historic report on the constitutional and legal aspects

February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 531

of impeachment on February 20. In addition, a summary on the factual investigation of the various categories involved in the committee's work is set for March 1. At that time, the staff will set forth the uncompleted factual work which must be undertaken. In all candor, Mr. Speaker, it seems to me that the following 2-month period from March 1, to May 1, should be adequate for completion of the factual investigation which our committee must undertake in order to perform the kind of thorough and complete job with which we are charged.

Mr. Speaker, we have an opportunity today to reject charges of deliberate delays, of footdragging or other partisan or prejudicial actions which would interfere with an expeditious resolution of the impeachment charges. When the motion is made on the previous question, I shall request a rollcall vote and urge you to vote down the previous question in order that I may offer an amendment to bring the report and recommendations of the Judiciary Committee on the impeachment investigation to the House membership on or before April 30.

Mr. RODINO. Mr. Speaker, I yield for purposes of debate only 3 minutes to the gentleman from Missouri (Mr. HUNGATE).

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, I find myself in the position of disagreeing with my learned colleague from Illinois (Mr. McCLOY) who states his point of view as usual very well, as well as it could be stated.

I support the previous question. I support the target date of late April, but I do oppose curtailing the inquiry at any arbitrary date.

I think our inquiry must be fair and expeditious as can be without any arbitrary cutoff date. We must not find ourselves in the position of the sky diver whose chute failed to open and he found he had jumped to a conclusion. We must take the time necessary to do a responsible job.

As we debate this very important matter, let us throw some history at it. In the previous impeachment in 1867 of Andrew Johnson, it was referred to the Committee on the Judiciary on January 7 that year. The report came out November 25, nearly 11 months later.

I am sure that this committee will not take anything like that amount of time. I simply give this to show what a reasonable time based on our only previous impeachment might be.

Since the adoption of our Constitution in 1787, there have only been 12 impeachment proceedings, 9 of which have involved Federal judges. There have been only four convictions, all Federal judges. The time devoted by the House and the Senate to the impeachments that resulted in the trials of the nine Federal judges varied substantially. The impeachment of Robert B. Todd consumed the shortest time. The Archibald case required 3 months to be

processed in the House, and 6 months in the Senate.

The impeachment of James H. Peck required the most time for trial of a Federal judge. The House took 3 years and 5 months to complete its action, and the Senate was occupied for 9 months with the trial.

We do not want any delay of that kind, but I am trying to point out that it takes a reasonable amount of time to do a responsible job.

I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I yield 5 minutes to the gentleman from California, (Mr. WIGGINS) for the purpose of debate only.

(Mr. WIGGINS asked and was given permission to revise and extend his remarks.)

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding to me for the purpose of debate only.

I would like initially to place in focus what is involved here today. The issue is not whether this House should conduct an investigation of Richard Nixon. There is no controversy on that point. Nor is the issue today whether the House committee in the conduct of that investigation should possess subpoena power. Of course, it should.

The narrow issue, however, is what shall be the circumstances under which the subpoena power is exercised? With respect to that question, I suggest that we all should unite behind several preconditions. We all should agree that the power be exercised fairly, that the power should be exercised expeditiously, and that the power should be exercised reasonably. There should be no debate on those minimum preconditions on either side of the aisle. But I regretfully report to the Members that the resolution in its present form does not meet these conditions.

First, on the issue of fairness, let me report to the Members the circumstances under which the power can be exercised under the resolution. The majority may do so and the minority may do so, but the right of the minority to subpoena witnesses may only be exercised at the sufferance and with the consent of the majority. I just ask the Members: is that fair? Is that a fair procedure? Well, in my opinion it is not. It is obviously and patently unfair.

The deck is stacked at the outset. I would not expect the majority to tolerate procedures which are basically and inherently unfair. In order to correct the inequity, the resolution must be changed. And the only way it can be changed is to amend the pending resolution. In order to make the resolution amendable, the previous question must be voted down.

Mr. Speaker, the argument has been made and was made that the majority should prevail on these questions, and that subpoena power should not be vested in the minority independent of the will of the majority. That is a tenet, it is said, of parliamentary law. I agree with that as a general proposition, but it does not address the question before us right now. That the minority has a right to make its case. It has a right to make its case, not

at the sufferance of the majority, but an independent right vested in the minority. Let me tell the Members that this resolution denies to the minority the right to make its case.

You, the majority, ought not to accept that. It is inherently unfair.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. Mr. Speaker, I yield to the gentleman from Massachusetts.

(Mr. DRINAN asked and was given permission to revise and extend his remarks.)

Mr. DRINAN. Mr. Speaker, I am very happy to associate myself with the remarks of the gentleman from California.

Mr. Speaker, I and two other Democrats voted for an amendment which would have deleted the last clause of section 2(b)(1) of the subpoena resolution. In that section it is stipulated that the authority of the committee may be exercised:

(1) by the chairman and ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision \* \* \*.

The proposal to omit all of the language after the word "except" in the foregoing was intended to prevent the majority of the Judiciary Committee having the implicit power to prevent the ranking minority member from acting alone in extending a subpoena to individuals or documents desired by him. Obviously the committee could come together if they so desired and, exercising those rights spelled out in the rules of the House of Representatives, vote against the issuance of the subpoena in question.

The proposal to omit these words was defeated in a vote with 16 ayes and 21 nays, almost all on a party basis.

It is my conviction that the majority and the minority should be permitted to seek evidence wherever they desire it and to subpoena it in any way consistent with the orderly progress of the impeachment proceeding.

Mr. WIGGINS. Mr. Speaker, there is one further issue I must raise within the very limited time available, and I ask the indulgence of the chairman of the committee.

Mr. Speaker, the resolution proposed says that the power may be exercised when it is deemed necessary for the purposes of the investigation. Surely, it is not the intention of the chairman to pursue evidence which is not relevant to the issue before us. May I have the assurance of the chairman that implicit in the concept of necessity is the concept of relevancy?

Mr. RODINO. Mr. Speaker, the concept of relevancy is, of course, always basic, but in order to insure that the scope of the inquiry is such that we may be able to get to that evidence, then it becomes essential that we employ the language of "necessary" which permits the broadest scope of inquiry.

H 532

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

Mr. WIGGINS. Mr. Speaker, I cannot yield further to the chairman because he has not yielded me sufficient time.

Mr. Speaker, I will ask the ranking minority Member if he agrees that the concept of relevancy is implicit in the concept of necessity.

Mr. HUTCHINSON. Mr. Speaker, I do. In my statement previously in debate, I tried to make that very clear.

Mr. WIGGINS. Mr. Speaker, I am somewhat comforted that the legislative history, at least, is clear. Implicit in the grant of subpoena authority is the requirement that it must seek evidence which is relevant to the charges which caused this committee to be convened at all.

Mr. Speaker, I would like to make that explicit, not implicit, and to do so the resolution must be amended. I appeal to the Members, in a sense of fairness and in the responsible exercise of power, that they vote down the previous question to permit perfecting amendment which have been discussed.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. FLOWERS) for the purpose of debate only.

(Mr. FLOWERS asked and was given permission to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, I support the resolution and intend to vote for it as reported by the committee. I also support this inquiry only so long as we proceed fairly and with no undue delay.

The issue of impeachment is a first priority in this new year. The inquiry must go forward—everyone agrees—and it must be thorough and complete—but it must also be expeditious and the earliest possible conclusion is imperative for the good of the country.

But both Special Counsel John Doar and Minority Special Counsel Albert Jenner have advised the Judiciary Committee that it is not now feasible to make a responsible prediction of the date upon which it will report its conclusions. The committee has concluded that it is impossible to forecast the course of the investigation and its potential difficulties at such an early stage. The committee wishes to complete its work as rapidly as it can, consistent with doing it properly. The chairman has expressed the hope that we can be finished this spring, and I personally am committed to handling this matter expeditiously. I am also committed to doing nothing rash—whether respecting the substance of the inquiry or respecting predictions of the time of its conclusion.

As counsel have advised, a deadline would be misleading. The committee carefully considered amendments to establish various types of rigid time requirements and rejected all of them. And in doing so, it avoided an arbitrary deadline that actually might ultimately operate as an unnecessary hindrance to an early and just conclusion to this inquiry.

Mr. McCLODY. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Illinois.

Mr. McCLODY. Mr. Speaker, I will state to the gentleman that I did talk with Special Counsel for the minority. He said that he had no objection to an April 30 or May 15 deadline. He did not say that the imposition of a deadline would impede or hamper the work of our committee, and furthermore he supports all of these target dates.

Mr. FLOWERS. Mr. Speaker, I will say to the gentleman from Illinois that I was present in the committee meeting when the question was put to both Mr. Doar and Mr. Jenner as to whether they supported a deadline or not, and as I recall it, they both said, "We do not want a deadline."

Mr. McCLODY. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I do not think this is an important matter—that is, setting a deadline.

My point here is that it is arbitrary to make a fight over this.

Mr. McCLODY. Mr. Speaker, Mr. Jenner stated that he would oppose a deadline if it applied to subpoena power only. But he would not object to reporting the resolution on a fixed date of April 30 or May 15.

Mr. FLOWERS. Mr. Speaker, I will not yield further to the gentleman.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I will yield to the gentleman from Florida.

Mr. FREY. Mr. Speaker, I just wish to commend the gentleman from Alabama (Mr. FLOWERS) for his forthright statement. It makes a great deal of sense to me, and because of it I am going to support the committee.

I believe it will be apparent to the American people, if we do not move expeditiously with these proceedings there may be another time when we might disagree, but that time is not now. I hope for the good of the country that time never comes. What we do will speak louder than any promises or pledges of good will.

Mr. RODINO. Mr. Speaker, I yield 3 minutes for the purpose of debate only, to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Speaker, I propose to vote for the previous question.

I am saddened by the argument that has taken place on this side. I had hoped that my friend, the gentleman from Illinois, would not raise the question, but he has. I firmly believe that if we are going to accomplish this very serious task, we must do it with dispatch. It must be done in an orderly way, and we must have a broad subpoena power so that we can get all of the information that we should consider.

I have voted against every one of the amendments which proposed to limit or restrict the subpoena power when this was before the committee, because I think that those items only give us more room in which to disagree, and this, I think, slows up our process. This, of course, is not what we want to do.

Second, Mr. Speaker, I think it is important to believe that there is a way by which we can do this job quickly,

and I believe, as the ranking Republican Member said, that the subpoena power should be used only as a last resort, and we should try first to get all of the information voluntarily. I hope that we can do that.

As a Member on this side, I will urge both the White House and Mr. Jaworski's staff to turn over everything that they have so that this committee will have a right, with dispatch, to look over everything that it should. I think this is the right way to do it.

In support of what my minority leader said as well as the ranking Republican on this side, I urge everybody to support the previous question with a unanimous vote.

Mr. RODINO. Mr. Speaker, I yield 1 minute for the purpose of debate only to the gentleman from California (Mr. WALDIE).

(Mr. WALDIE asked and was given permission to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, the power of subpoena sought by the Committee on the Judiciary rightfully will authorize the appearance of the President before the committee, under compulsion if necessary. During his tenure in office there is no other forum in existence that can compel his attendance. It is hoped that the President will voluntarily submit himself to an appearance under oath and be subject to cross examination. It is only through such an appearance that the President can be required to disclose that which he has so far refused to disclose. It is only through such an appearance that the American people can learn the full extent of the involvement of the President in the web of criminal activity, deceit, and abuse of our Constitution that has surrounded his conduct of the Presidency. However his appearance is obtained, voluntarily or by compulsion, it is essential that it occur.

Mr. RODINO. Mr. Speaker, I yield 3 minutes, for the purpose of debate only to the gentleman from Illinois (Mr. RAILSBACK).

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I want to thank the chairman of the committee for yielding to me.

I rise in support of an aye vote on the previous question.

I want to associate my remarks with those of my minority leader.

Mr. Speaker, we fought a procedural battle in the committee, and we lost it. The amendments that were offered and which I supported I really think are not particularly essential. Time after time the chairman of the committee has made the point that we are going to try to finish by April 30. I think he began by saying April 1, but now he has indicated we can finish by April 30. I think the American people are going to be watching us, and I would say that if we exceed the April 30 deadline the American people are then going to be in a position to decide whether there has been political stalling. So I am not too worried about that.



February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 533

Mr. Speaker, I appreciate what the chairman has said about trying to finish by April 30, and I hope we can finish by that time. As far as Congressman Wiggins' amendment is concerned, which would have to do with giving the ranking minority member an absolute subpoena power, I just want to recount for you the history of that.

Chairman Rodino at the first meeting came before the House Committee on the Judiciary and asked for one-man subpoena power. He did it on a temporary basis. We resented that on the minority side of the committee. We split by a 21 to 17 vote in the committee. We were opposed to giving him one-man subpoena power. Now when he is requesting permanent subpoena power for the House Committee on the Judiciary, in my opinion, he has been reasonable; he has accommodated us. What he has done is to say that this power will go to the House Committee on the Judiciary, which is where it would normally vest. It can be exercised by action of the chairman and the ranking Republican Member jointly. If one or the other should not agree, then it could go back to the full committee and they could override or decide exactly how that particular subpoena will be exercised.

I know of no case in the history of any legislative body myself where one man, one legislator, has been given uncontrolled and unrestricted subpoena power.

I would not perhaps in this case mind giving it to the ranking Republican member. Frankly, I am reluctant to give anybody that power. We would not just be giving it to one or the other here but, rather, to both. I am not sure it would be a good idea for us to give up that kind of responsibility. I might not want to give it to Chairman Rodino and maybe some of the Democrats do not want to give it to the ranking Republican.

Mr. Speaker, today the House of Representatives can take a step forward, or a step backward. It can approve House Resolution 803, or it can become encumbered in partisan polemics. As a member of the Judiciary Committee, I encourage my colleagues to take that step forward, by supporting passage of this resolution; a resolution granting the specific authorities necessary for our committee to conduct a thorough impeachment inquiry. I urge this support for the following reasons:

First, with the adoption of House Resolution 803 we move closer to achieving a responsible answer to the numerous allegations, questions, and doubts which encompass the Presidency. Our staff has diligently proceeded in this effort, but it is unlikely that they can continue further without the authorities outlined in this resolution. It is our constitutional responsibility to inquire into the existence or nonexistence of impeachable offenses and delaying of the passage of this transfer of authority would delay the inquiry. By delaying the inquiry, we prolong the crisis in public confidence which prevails in this country and we further irritate an already serious situation.

Second, while encouraging President Nixon's expressed intentions to cooperate with the Judiciary Committee, I feel it

is essential that subpoena authority is available for our use if needed. I am hopeful that the President and our committee can arrange informally for the transfer of needed evidence and information, but if this is not possible we must proceed with the issuance of appropriate subpoenas at once. Article I, section 2 of the Constitution vests sole power for impeachment in the House of Representatives and our committee should be prepared to exercise this power, as an extension of the House, if unexpected conflicts arise.

Finally, and most importantly, House Resolution 803, although not a flawless document, represents a legitimate compromise designed to insure a bipartisan approach to the Judiciary Committee's inquiry. With or without amendments, this resolution is worthy of my colleagues' approval. It does not grant, as some might suggest, excessive authorities to the Judiciary Committee, and that authority granted is shared, at least to some extent, with the minority.

In conclusion, therefore, I again urge adoption of House Resolution 803 in an effort to take that step forward. For those who fear misuse of the authorities granted by this resolution, I suggest that in the final analysis, the best safeguard for a bipartisan impeachment inquiry conducted fairly and expeditiously will not be the wording of this resolution, or any resolution, but public interest in, and the demand for responsible, nonpartisan action.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 2 minutes to the gentlewoman from Texas (Miss JORDAN).

(Miss JORDAN asked and was given permission to revise and extend her remarks.)

Miss JORDAN. Mr. Speaker, I thank the chairman of the House Committee on the Judiciary for yielding these 2 minutes to me.

The words "fairly," "reasonably," "expeditiously," "quickly," "now," and "immediately"—how many times have we heard them during this debate? Those words are important in terms of how quickly we proceed to our business, but let us understand that the work product of the House Committee on the Judiciary and this House of Representatives must not suffer in favor of "quickly," "expeditiously," "reasonably," and "fairly." We want to do all of those things. We also are defining impeachable offenses and whether impeachable offenses have been committed with regard to this President. And what we are doing will have to stand as a precedent for impeachment proceedings 100 or more years from now.

Let us understand that the House Committee on the Judiciary needs the authority to proceed to get the documents which are necessary for its inquiry.

One of the amendments which one Member would like to offer if the previous question is voted down deals with the words "necessary" and "relevant"; the amendment would add the word "relevant" to the word "necessary." Understand that this committee will

not proceed to procure any data or information by subpoena or otherwise which is not necessary to the impeachment inquiry. If it is irrelevant we throw it out. Our concern is that our course of action proceed in a proper manner, and produce that evidence which is necessary to a final determination of whether a resolution of impeachment shall lie. It should not be impeded or inhibited by the simple word "relevant."

Have faith in the chairman of this committee. Have faith in the members of this committee. It is not impossible for us to proceed with the business of this country and also proceed with our congressional responsibility under the Constitution as to the impeachment inquiry—we can do both.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 5 minutes to the gentleman from Indiana (Mr. DENNIS).

(Mr. DENNIS asked and was given permission to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, I wish to thank the chairman of the committee for yielding to me.

Mr. Speaker, I am supporting this resolution regardless of how our vote goes on the previous question, because I support the inquiry, and in order to have an inquiry the subpoena power is obviously essential.

Nevertheless, I would support it much more happily if we could have a resolution where the exercise of the subpoena power, by the terms of the resolution, was required, by the resolution, to be fair. And because in my judgment we do not have that kind of a resolution I shall reluctantly vote against the previous question as, under the parliamentary situation, it gives us the only opportunity to amend this resolution.

The chairman has said, quoting Edmund Burke, that we are in a position to be exceedingly useful to our country and to do honor to ourselves, and I agree, but in order to do this we have to proceed under rules which will assure the fairness of the inquiry.

My colleague, the gentleman from California (Mr. Wiggins) has suggested two amendments which may never see the light of day here, because they will probably require two rejections of the previous question, in the situation in which we find ourselves, but I consider his amendments exceedingly important.

One of them is simply to insert that we can subpoena for such materials as the committee deems necessary and relevant to our investigation, or which we think could lead to relevant material.

That is the general rule of law. That is the rule in the U.S. courts. What is wrong with being relevant, particularly if the committee decides it, which it would do even under the proposed amendment? If we do not want to be relevant, it means we want to go fishing. It is just that plain.

The other amendment is simply to give equal subpoena power to the majority and the minority. It says in this resolution—

Such authority . . . may be exercised . . . by the chairman and the ranking minority



H 534

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

member acting jointly, or, if either declines to act, by the other acting alone. . . .

That is where we want to stop—and we should go on—

. . . or by the committee acting as a whole. . . .

But the resolution says that if either refuses to act jointly, the other can take it to the committee and have them decide the question.

The committee is controlled by the majority. They are going to uphold the chairman, not the ranking member. Remember, Mr. Speaker, this will not arise except in delicate, unusual situations. The chairman and the ranking member will agree 90 percent of the time. But suppose, for example, as a possibility, that we get into the question of whether this administration has done anything different from past administrations, and we want to call—I am not saying whom we would want to call; I am just picking names out of the clouds—HUBERT HUMPHREY or Bobby Baker, or somebody else, what is the majority of this committee going to do? In practice we will not have that opportunity.

All we are saying is that gentlemen ought to be relevant; they ought to be even-handed; they ought to be fair. If they do not want to be, if they want to vote against relevance, if they want to vote against equality, they ought to give us a better reason than simply majority rule.

All we want to do is to amend this resolution, in order to put in the two amendments of my friend, the gentleman from California. I would like to hear anybody give us one good reason why that should not be done. Even my liberal friend, the gentleman from Massachusetts agrees it ought to be done. Let us be fair. Let us pass a decent resolution. Let us remember we are drawing the ground rules from here on, and those ground rules ought to be just.

The SPEAKER. The time of the gentleman has expired.

Mr. RODINO. Mr. Speaker, I yield for the purpose of debate only, 1 minute to the gentleman from Iowa (Mr. MEZVINSKY).

(Mr. MEZVINSKY asked and was given permission to revise and extend his remarks.)

Mr. MEZVINSKY. Mr. Speaker, I rise today in support of the resolution before the House and call on my colleagues to give it overwhelming approval.

A week ago today, the President met with us in this Chamber and wrapped up the state of the Union address by declaring that "1 year of Watergate is enough."

I think we all share that feeling and for that reason desire that the Judiciary Committee's inquiry be conducted with all deliberate speed.

The resolution before us, providing specific subpoena power for the impeachment inquiry, is designed to expedite our investigation. We are all hopeful that use of the subpoena authority will not be necessary. The President has pledged cooperation with the committee, and we will most certainly see that cooperation of that cooperation and use the subpoena

only as a last resort to obtain needed evidence.

Unfortunately, the past performance of White House cooperation in this area has failed to inspire confidence. I believe it would be hazardous and would risk further delay in resolving the impeachment question if the Judiciary Committee were to proceed with the inquiry without a vote today reaffirming the House's dedication to a thorough investigation.

We are not asking for a fishing license, only for the authority necessary to search out all the facts, those that can exonerate as well as those that may implicate.

This resolution is most significant. By approving it, we will assure that the House can exercise its constitutional authority and prerogative without unnecessary delay.

Mr. RODINO. Mr. Speaker, I yield, for the purpose of debate only, 1 minute to the gentleman from Ohio (Mr. DEVINE).

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, as the gentleman from Iowa said, the President suggested that 1 year of Watergate is enough. If I read my mail accurately, the people across America would like to have us get on with this business one way or another—put up or shut up: I have enough faith in the chairman of the Committee on the Judiciary, Mr. RODINO, to take his word for it. He suggested that he would like to conclude this by April 30.

And he has told members of the mass media—and there are more than 70 of them here today, and I suppose they will find 70 ways to relate this vote to a drive on impeachment one way or the other; but it is not. I have faith in the gentleman's word when he says he wants to bring this to a conclusion April 30, so I will vote for the previous question favorably. We have all of February and all of March and all of April and that is time enough to bring it to a conclusion.

Mr. RODINO. I yield 1 minute, for the purpose of debate only, to the gentleman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I thank the chairman, the gentleman from New Jersey, for yielding to me.

I would like to echo my support for the Judiciary Committee's resolution and state that I will support the previous question.

What we do on the House Judiciary Committee will stand for all time and I think every member of this committee understands the seriousness of what we are doing. We will act judiciously but quickly. We will bring to the country and to the House recommendations which will stand up not only now but also for all time.

If we accept the amendments some of my Republican friends will wish to offer, they will not only hamstring this investigation but will also infringe on the precedents established previously with respect to subpoena powers in an impeachment inquiry. So, I urge that we follow the historical precedents, accept our resolution of the Judiciary Committee.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Iowa 1 minute for the purpose of debate only.

Mr. MAYNE. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

Mr. Speaker, the people of this country want this matter expedited and it certainly has not been sufficiently expedited up to the present time. This has been a matter of great concern to some of us in the minority that the Judiciary Committee has proceeded at such a leisurely pace since the impeachment inquiry was first referred to us October 25, 1973. There has been only one full meeting of the committee to discuss this matter and to take any action, although it was referred to us 3½ months ago, and the chairman called that one meeting only last week.

We the minority members of the committee have tried to encourage the chairman to move more promptly. The chairman has told us he will do everything possible to expedite the conclusion of this by April 30, and has again given that assurance to the Nation on the floor of this chamber today. I would personally believe that our committee should be able to complete its work and make a final report to the House earlier than April 30. But in the interests of avoiding partisanship, I will support him in that endeavor rather than get into a partisan squabble. That is the last thing we on the Republican side would want or the American people would want. It seems to me the American people are entitled to much better than that. They are entitled to have all relevant evidence made available to the committee promptly and to prompt consideration and action by the committee. I am willing to go along with the chairman's assurances of prompt action and to vote for the previous question to facilitate such action.

But I will say to the chairman that if he does not proceed as expeditiously as he has assured us he will and if it should become apparent there is an unwillingness on his part or that of the committee's to proceed expeditiously, then it is going to be our duty as members of the minority to bring this matter very forcibly to attention of the Members of this House and to the American people who are clearly demanding that this be handled as expeditiously as possible.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield for the purpose of debate only to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, does the gentleman intend to call the President of the United States?

Mr. RODINO. At this time the chairman would not answer that question except to say that if it becomes necessary to complete this inquiry and to assure a fair and responsible judgment in the matter, only then would that be-

Mr. WYMAN. The gentleman from

February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 535

New Hampshire hopes it will not become necessary.

Mr. RODINO. And so does the gentleman from New Jersey.

Mr. BIESTER. Mr. Speaker, I rise in support of House Resolution 803, Judiciary Committee subpoena power.

This resolution is essential if the Judiciary Committee is to accomplish its mandate fully to investigate whether grounds exist for impeachment.

Under its provisions, the committee can call witnesses and gain access information and material relevant to the impeachment inquiry. The chairman and ranking minority member acting together would be able to exercise this power or, if one declines to act, the other could take the question to the full committee for a decision.

The American people want the question of Watergate and impeachment resolved quickly and fairly. Public attention is focused on the House, and the Nation is looking to the Judiciary Committee and the entire House for leadership in making a decision on this most crucial issue.

The resolution as reported out of committee came on a unanimous vote which underscores, I believe, a confidence and hope that the majority and minority can effectively work together on this matter. It is essential for the validity and viability of the decisionmaking process of the Judiciary Committee and the decisions which emerge from it that the committee approaches its responsibility with objectivity, thoroughness and fairness.

The resolution before us today will help enable the committee to discharge its obligations in a spirit of bipartisanship that seeks only to discover the truth for the good of the country—not partisan advantage for the benefit of either political party. This bipartisan spirit must exist and must be apparent in the recommendations of the Judiciary Committee. If not, a critical ingredient for public acceptability of its decisions will be lost.

Full subpoena authority is indispensable if we expect the Judiciary Committee to do its job, and I urge my colleagues to support this resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Resolution 803 as reported from the Judiciary Committee. This resolution officially authorizes the Judiciary Committee to fully investigate whether sufficient grounds exist to impeach the President, and it further grants to that committee the power to require by subpoena or otherwise the appearance of witnesses and the production of things deemed necessary to that investigation.

Mr. Speaker, there can be no question that the House of Representatives plays a very unique and preeminent role in the impeachment process and that it must have absolute access to all information which is necessary to its investigation. It was President James K. Polk who once said, and I quote:

If the House of Representatives is the grand inquest of the Nation, any time have reason to believe that there has been malversation in office and should

think proper to institute an investigation into the matter, all the archives, public or private, would be subject to the inspection and control of a committee of their body and every facility in the power of the Executive afforded them to prosecute the investigation.

Mr. Speaker, I wish to associate myself with President Polk's remarks, and with similar statements made by the members of our Judiciary Committee, on both sides of the aisle. I have long held that the so-called doctrine of executive privilege cannot be invoked with respect to a congressional investigation into alleged wrongdoing—a position which Deputy Assistant Attorney General Mary Lawton testified last April "has been the traditional view of the doctrine of executive privilege." There is no doubt in my mind that this concept takes on extra weight and validity in the face of an impeachment proceeding, given our undeniable constitutional role.

In the brief time remaining, Mr. Speaker, I would like to address myself to what must be our overriding concern, and that is the need to approach these proceedings in a responsible and nonpartisan manner. Alexander Hamilton, writing in *Federalist* No. 65, warned that an impeachment proceeding will seldom fail to agitate and divide the community, often along the lines of pre-existing factions, and will, in his words, "enlist all their animosities, partialities, influence and interest on one side or the other." He went on to say, and I quote:

In such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.

Mr. Speaker, while it is the Senate, and not the House, which must ultimately decide the question of innocence or guilt in an impeachment proceeding, the dangers of a partisan breakdown are just as real in our own deliberations and the consequences just as ominous. I think the members of our Judiciary Committee are aware of the special responsibility which has been placed upon them, and the special need to avoid a partisan breakdown.

The resolution which is before us today has been carefully designed with this in mind. I appreciate the fact that there are some members of that committee from this side of the aisle who think this resolution can and should be amended to insure that the inquiry is expedited, that the subpoena authority is carefully proscribed, and that the rights of the minority are protected. Let me say at the outset that I am in agreement with all of these goals. But after giving this matter very careful study, I have decided not to vote for any amendments to this resolution, as well-conceived and intentioned as they may be.

First, with respect to the amendment to impose an April 30 deadline for the final report and recommendations, let me say that it is my hope that the committee will be able to meet this generally agreed upon target date. We have been promised a full, fair, and expeditious investigation. If we fail to meet this deadline, prolonged, we will run the very real risk of a partisan breakdown. At the same

time, we cannot now predict what factors may intervene to prevent the completion of a thorough investigation by a date certain. I would hope that the committee will receive the full cooperation pledged by the President and that we will not be delayed by protracted litigation in the courts over the committee's right to subpoena evidence. Our primary obligation must be to a fair and thorough investigation, and not to some arbitrary cutoff date which may jeopardize either fairness or thoroughness.

Second, an amendment is proposed to eliminate the provision for appeal to the full committee in the event that the chairman and ranking minority member do not agree on the issuance of a particular subpoena. Instead, in the case of such a disagreement, either the chairman or ranking minority member, acting alone, could issue the subpoena. I appreciate the fact that this amendment is being offered to protect the rights of the minority. But I would also warn that this same amendment would enable the chairman, without the consent of the ranking minority member or the full committee, to issue whatever subpoena he deems necessary to the committee investigation. Here, Mr. Speaker, is where I think we run the real risk of a partisan breakdown, the risk of abuse of the subpoena power, and the risk of delays in the courts.

I think the present provision in the committee resolution is an ingenious compromise which will insure both that the subpoena power is not abused and that nonpartisanship is maintained. I know that some will argue that, given the political makeup of the committee, the chairman will always have the votes to get the subpoena he wants when he and the ranking minority member are in disagreement; and conversely, that the ranking minority member will not have the votes for a subpoena he wants in the event of disagreement. I do not subscribe to this theory for one very simple reason: if the chairman is making a very unreasonable request and the ranking minority member does not agree to it, when this is appealed to the full committee it is more likely to judge the issue on its merits than along partisan lines. The public focus will be on this distinguished group of 37 lawyers, and the expectation will be that they will make a judicious and not a partisan decision. In my opinion, the committee will not risk a partisan breakdown over an excessively unreasonable and blatantly abusive subpoena request. In short, under the committee resolution, the committee appeal provision serves as an effective check and restraining influence on both the chairman and ranking minority member from abusing the subpoena power. Under the proposed amendment, on the other hand, there is no such check or restraint and the potential for abuse and partisanship is only enhanced.

By the same token, I do not think a reasonable subpoena request by the ranking minority member would be refused by the full committee, for again it would be the committee's responsibility to maintain a framework of fairness and nonpartisanship. A denial of a reason-

H 536

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

able request would only accelerate a partisan breakdown and doom the deliberation of the committee.

Finally, a third amendment is being proposed to more carefully define what types of materials may be subpoenaed. As the resolution now stands, the committee may subpoena whatever materials "it deems necessary to its investigation." The proposed amendment would read, "as it deems necessary and relevant to its investigation or which it deems reasonably calculated to lead to the discovery of necessary and relevant evidence." It is argued that this amendment is needed to insure against fishing expeditions and other abuses of the subpoena power, and that this language is in conformity with the Federal Rules of Civil Procedure.

I certainly am in agreement with the need for the committee to confine its subpoenas to matters which are relevant and necessary to its investigation. Yet, while it is claimed that it is not intended that the question of "relevancy" be submitted to a court for final resolution, I wonder if that's just not what we are inviting by adopting the language of the Federal Rules of Civil Procedure. For under those rules, showing must be made to the court that the materials sought are either relevant to the case or are likely to lead to something relevant. I would submit that if we lock ourselves in to the strict language of court rules, we may well find ourselves locked up in protracted court battles over the issues of relevancy.

Again, I would maintain that the best check against an abuse of the subpoena power is the provision for appeal to the full committee if a question arises as to whether the material sought by a particular subpoena is really necessary to the investigation. And I would further submit that there is less likelihood that a subpoena will be challenged if it has been supported by a broad bipartisan vote in the committee.

On a final note, Mr. Speaker, I would like to direct a question to the chairman of the Judiciary Committee. On page 3 of the committee report it is noted that not only may the chairman and ranking minority member jointly issue subpoenas, but that, and I quote:

In the alternative, the committee possesses the independent authority to authorize subpoenas and other process, should it be felt that action of the whole committee is preferable under the circumstances.

While the report is quite explicit that the committee, acting as a whole, may issue a subpoena, section 2(b) (2) of the bill reads, and I quote: "by the committee acting as a whole or by subcommittee." I would ask the chairman why the words, "or by subcommittee" have been included. Do I read this correctly that any subcommittee of the Judiciary Committee is authorized by this resolution to vote a subpoena so long as it is deemed necessary to the impeachment investigation? As I look at your committee roster, I note that you have some seven subcommittees with an average of five members each. Are you saying here that any five members of a subcommittee have the authority to vote a subpoena?

Mr. BADILLO. Mr. Speaker, passage of the resolution before us is essential to enable the Judiciary Committee to get on with its job as rapidly as possible.

Issues of paramount importance to the Nation are awaiting our action—education, energy, health insurance, welfare reform, minimum wage, and a host of urban problems—and I believe that we must expedite the impeachment investigation in order to deal with the issues of moment before us.

The economy is deteriorating fast, with the highest rate of inflation in a quarter of a century, unemployment increasing, and food and fuel prices continuing to rise in the midst of shortages. The housing industry is in a depression with inadequate new starts at a time when more than 13 million families are living in households that are unsound, overcrowded, or too expensive. The energy crisis is slowing the wheels of industry, disrupting the transport of goods, and creating hardships in the form of job losses and rising prices for scarce commodities.

In the face of all these problems, an erosion of public confidence in Government has struck a kind of paralysis in the normal functioning of the executive branch and to some degree in the Congress. When the people cease to credit the statements of those they have elected to represent and lead them, Mr. Speaker, not only are our energies diverted from the tasks before us but the very fabric of our society is threatened. Without the bond of trust and belief that cement both our interpersonal dealings and the relations between citizens and institutions, we will suffer fundamental—and undesirable—changes in the political system that has served us so well for nearly 200 years.

The impeachment investigation must proceed, Mr. Speaker, in order that we may get on with the proper business of government, with public understanding and support. The cooperation of the American people in implementing voluntary energy-saving actions is evidence of the reservoir of good faith from which we may draw. But at the same time, signs of erosion of this faith surface in expressions of suspicion that the energy crisis is at least in part contrived, or in publicly stated doubts over the need for a worldwide alert of U.S. forces during the recent Mideast war.

These are portents, Mr. Speaker, that we in public office must heed and do something about. And since the truth about the Watergate affair and its many ramifications has not been forthcoming from the White House, it becomes our duty to uncover and present the facts to the American people.

The subpoena power called for in the resolution before us is necessary for that purpose. The President has already announced, in effect, that he will cooperate with the House in this inquiry insofar as he determines appropriate. He makes no mention of the constitutional underpinning for the investigation, the statutory obligation laid on him as well as on the Congress.

This is not the first time that the President has signaled his bent for observing the laws of this land selectively

according to his own lights. We need only refer to the conduct of an illegal war in Cambodia, the more than 30 court decisions overruling White House impoundment of funds appropriated by Congress, the dismantling of duly constituted Government programs and agencies without statutory authority, the use of tainted Government evidence to bring conspiracy indictments against lawful dissenters, invocation of executive privilege as an excuse to withhold evidence of criminal behavior, and on and on.

Mr. Speaker, the record makes it clear that not one scintilla of evidence has been surrendered voluntarily by the White House to the Special Prosecutor, the Senate Watergate Committee, or the courts. We have witnessed an undeviating pattern of White House intransigence, delaying tactics, evasive rhetoric, blurring of the facts, and now at last the destruction of evidence within the precincts of the Oval Office itself, an event whose implications were not lost on the American people.

The presidency, Mr. Speaker, is not the fount of all authority and power in this country. Nor is it an office whose holder is entitled to flout existing law or create new law by fiat or executive order.

Rather, at its best the Presidency can embody the hopes and ideals of the people. Its keystones are integrity, responsibility, and accountability. The Presidency must epitomize the rule of law that gives continuity and vitality to our constitutional guarantees of liberty, justice, and equality. The President is not a privileged citizen; he must be the model citizen.

Mr. Speaker, the Presidency is not under attack as some would have us believe. It is rather the conduct of that office within a specific time frame that we are undertaking to examine on behalf of the American people. That the Presidency is held in low repute today is not the fault of the Congress, the press, or the public. The simple truth is that what loss of public trust there has been in the Presidency is the result of activities engaged in on behalf of, in the name of, and through the authority delegated by the incumbent of that high office.

If America is to survive this political crisis with self-confidence and pride and faith restored, our duty is clear. It is up to us to accept the responsibility that history has thrust upon us. Impeachment is the constitutional remedy and the morally imperative one. Impeachment is the poultice by which the body politic will be cleansed.

Time is critical, Mr. Speaker. The current of change in the world and events at home do not augur well for the indecisive. The American people are rightly poised to pass judgment on us at this juncture of such critical importance to the Nation. Let us get on with it.

Mr. WYMAN. Mr. Speaker, charged as we are by the Constitution with original jurisdiction in matters of impeachment, there is no alternative to the need and even the necessity for subpoena authority. That this is sought by the standing committee is a strengthening of in-house jurisdiction strengthens the foundation of the resolution before us.



February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

H 537

I shall vote to give the Judiciary Committee the requested authority.

I profoundly hope and trust that its report of facts found in the investigation to be discharged in the solemn responsibility entrusted to it, will be based on testimony taken under oath and subject to the penalties of perjury. A vote up or down on whether or not to impeach a President of the United States surely requires such safeguards.

The requested authority at this hour brings to mind the unfortunate precedent of the same standing committee in an earlier day in action upon a resolution of impeachment relating to Associate Justice William O. Douglas. In that matter this same committee under a different Chairman, produced a 900-page report that contained not a single word of sworn testimony, nor, to my knowledge, were any witnesses called or hearings held.

More importantly, the Justice himself was never asked to come before the committee and respond to questions. If the principal thrust of an investigation is a determination of involvement or non-involvement of a particular individual in certain events it seems to me that person should be given the opportunity to appear.

How on earth can there be a better way than asking the person himself? Why should the House of Representatives play guessing games with tapes or memoranda or anything else as to what the President himself knew or did or instructed when the President himself is available to respond to direct and relevant and courteous questions on these points?

Surely Executive privilege has no proper place in denying relevant information to the House of Representatives in an impeachment investigation. This is not the situation of the Watergate Committee. This is a constitutional obligation of the highest magnitude of importance. I believe this will eventually be confirmed by judicial decision should these unhappy events reach such a stage of judicial review.

Admittedly the constitutional privilege against self-incrimination is as available to a President as to an ordinary citizen, but I cannot and do not believe that President Richard Nixon has engaged in any criminal conduct as President of the United States—or at any other time for that matter.

It is to be fervently hoped that ultimate confrontation between the legislative and executive branches of this Government of ours will be avoided in the public interest. The best possible way I know of for this to be accomplished and to get this unhappy business over with once and for all, is for our President to ask to appear voluntarily before the Judiciary Committee and respond to those relevant questions that would settle the matter of his knowledge and connection with the activity of others who may have broken the law out of an excess of zeal or for whatever reason.

This is neither demeaning of the office of President nor in the public mind. It is plain commonsense.

Mr. DONOHUE. Mr. Speaker, I rise in support of House Resolution 803 and intend to vote for it as reported by the Committee on the Judiciary.

Appropriately, this resolution places the full weight of the House's constitutional authority behind the judicious inquiry the committee will be making. As the report of the committee indicates, the scope of the investigation authorized is stated broadly to permit consideration of any matter necessary to the momentous investigation into the existence or nonexistence of sufficient grounds for impeachment.

By adopting the resolution, the House will be taking a giant step toward enabling the ultimate judgment of grave matters that have been before the American public for many long and troubled months.

The House and the people are entitled to the most thorough inquiry permissible under the Constitution. Indeed, the exercise of this constitutional responsibility is as privileged an undertaking as any that may be initiated by the people's representatives. By providing the committee with these appropriate powers of subpoena, deposition, and interrogatory, House Resolution 803 gives the House the tools it needs to fairly implement that undertaking.

The committee has pledged an expeditious consideration; I, too, am committed to expedition. This resolution will fully permit that and I urge its adoption by the full House.

Mr. FRENZEL. Mr. Speaker, unless I did not understand the remarks of the distinguished chairman of the Judiciary Committee, I thought I heard him say that he would not yield for an amendment to this most significant resolution. I think the country will be surprised when it hears that momentous issues like this are being decided by "gag rule," without amendment, under a limited debate.

I think it is unreal that the leadership of this House would deny full debate of germane amendments. It is unreal that debate on what the American people believe is the major task now before the Congress is being confined to a single hour allocated to members of a single committee.

I thought this was the "people's House," scene of great debate on great issues. Today it is the "Judiciary Committee's House." All the rest of us are merely spectators. Of course, we are all going to support the resolution. We all support the investigation, and want the soonest determination of this matter.

But I want this House to discuss it fully. I do not always object to closed rules. We need them sometimes, but not on an issue of this magnitude.

I support the gentleman from Illinois (Mr. McCLOY) in his efforts to overturn the previous question. I shall vote against the previous question.

I would, however, vote against the gentleman's amendment to cut off the committee should be expeditious and

geared to a target date, but that a deadline is not consistent with the legislative process or with a thorough inquiry.

I would also vote against the amendment of the gentlemen from California (Mr. Wiggins) to require relevancy of information. In this inquiry we should not miss a thing.

I would support the Wiggins amendment to grant equality to the minority in subpoena authority.

More important than any amendment, however, is the need to allow the amendment process, and the need for full discussion. I believe the "gag rule" procedure is an outrage.

The Judiciary Committee got off to a bad start when it denied the minority a fair share of its million dollar staff. It continued the bad start with secret operations, and only one full committee meeting on the issue. Today the committee, by denying the opportunity for amendments and full debate, continues badly. I still have confidence in the committee's ability to do its job, but its about time it showed us something good besides the employment of competent counsel.

Mr. BAUMAN. Mr. Speaker, House Resolution 803 provides the Judiciary Committee of the House with the powers it needs to conduct a full, thorough inquiry into the question of whether the President has committed impeachable offenses. The subpoena powers granted under the resolution are an essential part of getting to the bottom of the so-called Watergate affair and other matters relating to conduct of the President and his staff, and I support fully the granting of such powers. The questions which have been raised must be answered, for the good of the country and the President himself.

I have consistently supported full and complete disclosure of all of the facts pertaining to alleged corruption in government, no matter who is involved. If the controversy surrounding the President is to be laid to rest, it must be explored fully, and the power of subpoena will assure that all relevant data will be taken into consideration.

Several amendments would greatly improve the scope and effect of this resolution, however. As it is presently drawn, majority party members of the committee would be granted what in effect is exclusive power over the issuance of subpoenas. If the chairman wishes to issue a subpoena, under this resolution he may do so by either obtaining the concurrence of the ranking minority member, or, if the ranking minority member declines, the chairman may simply ask for approval by a majority of the committee. A straight party line vote is all he would need. It is not hard to see that this provision could easily result in more sharply drawn partisan behavior during the committee's deliberations, and would do so, I believe, unnecessarily. Adoption of the amendment offered by the gentleman from California (Mr. Wiggins) in committee, allowing either the chairman or the ranking minority member to issue a subpoena for any further information, would provide the necessary in-



H 538

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

investigative tool without concurrently inspiring a partisanship which this investigation can ill afford if it is to be conducted in a fair and impartial manner.

The gentleman from California also intends to offer an amendment insuring that the committee will concern itself only with matters that it considers necessary and relevant, a provision which will prevent "fishing expeditions" of the type we have sometimes observed in the deliberations of the special investigating committee in the other Body.

Mr. BLACKBURN. Mr. Speaker, today, I voted against granting unlimited authority to the House Judiciary Committee to subpoena any person with regard to the inquiry into the impeachment of President Nixon. Earlier in the consideration of this matter in the House, a motion was made to vote down the previous question on the resolution in order to allow amendments to be offered. By a straight party line vote, this motion was defeated.

The effect was that the measure, as passed, granted to the Democratic majority of the Judiciary Committee the right to subpoena any person they desire, regardless of the minority position.

I believe that a matter of such vital national concern, such as impeachment, must be handled with fairness to both political parties. Therefore, the inescapable political nature of the proceedings which will ensue during this investigation will find the minority with no right to issue a subpoena to thoroughly investigate the issues that come before the committee.

Under the bill, as now drawn, the subpoena does not even have to be relevant to the matter under consideration. The Congress has, thus, authorized a general fishing expedition which can easily develop into a political witch hunt unrelated to the matter of prime concern to millions of Americans.

Another major flaw in the resolution is that it does not set a time limit within which the committee must report its findings to the House. It is not in the national interest, both domestically and internationally, that this matter continue to be prolonged and not laid to rest as soon as possible. I believe that these investigations should be drawn to a close within a reasonable time.

My vote would be different if the committee had taken a more reasonable attitude instead of granting this open-end authority.

Mr. ROSTENKOWSKI. Mr. Speaker, the resolution brought to the floor of the House today by the Judiciary Committee will provide the committee with the tools necessary to resolve the present Constitutional crisis to the satisfaction of all Members of the House.

For those who believe that the President was some way wrongfully involved in any of the activities presently under scrutiny by the Judiciary Committee, this resolution will provide the committee with the access it needs to confirm the serious allegations made.

For those Members of this body that are presently convinced that the President is innocent of all charges and allegations and that it is time to return to the many other serious problems presently confronting all Americans, the language of this resolution will provide the Judiciary Committee with the means to expedite the remaining facets of its investigation and makes its report to the full House of Representatives.

But most important of all, for the vast majority of us who are presently unsure as to whether sufficient grounds exist to vote a bill of impeachment, today's resolution provides the House of Representatives with an efficient and effective way to carry out its responsibilities mandated under article I, section II of the Constitution that—

The House of Representatives . . . shall have the sole Power of Impeachment.

By delegating to the Judiciary Committee the powers contained in this resolution, we will be providing that committee with the resources it needs to inform the whole House of the facts of this case. For, only then can each of us make an informed decision as to whether or not we should vote to send this case to trial before the U.S. Senate. If we are called upon to be grand jurors in this case, we should have all the information necessary to clear or to convict the President. For only in this way can we be fair to ourselves and more important, fair to the Nation we represent.

Mr. TREEN. Mr. Speaker, I know that my vote against House Resolution 803 runs the risk of misinterpretation, but I have never felt that to be a valid reason for determining how my vote should be cast. I have the duty and obligation always to vote in accordance with my conscience after careful consideration of all relevant factors.

First, I want it clearly understood that I did not vote against the resolution because I wish to impede the investigation of the impeachment question by the House Judiciary Committee. I do not wish to hamper the committee in any way in making a full investigation of the impeachment question.

I voted against House Resolution 803 because, in my judgment, the resolution is defective and faulty in three primary respects. Since the House absolutely refused to permit the offering of any amendments to the resolution, I wanted to register my disapproval of the form of the resolution. I could do this only by voting against the resolution on final passage.

The three deficiencies, which could have been taken care of by amendment, are:

First. The subpoena power granted to the committee does not require that the evidence sought by the subpoena be relevant to the impeachment inquiry. Elementary justice requires that the investigation be limited to relevant evidence, whether in the form of tapes, documents or other writings, or in the form of verbal testimony by witnesses.

Second. The resolution does not set forth in the resolution by which the

committee must conclude its investigation. If there is anything that the American public wants it is for this entire controversy to be concluded at the earliest possible time. It is exceedingly damaging to this country to have the President of the United States under continual investigation. The House refused to consider an amendment which would have instructed the committee to conclude this investigation by a certain date. A time limit would not have hampered the investigation because the House Judiciary Committee could have come back to the House and explained its reasons for not being able to conclude the investigation by that certain date, and, if those reasons had any validity whatsoever, there is no question but that the House would have extended the investigative and subpoena power for an additional period of time. The importance of having a date certain is the disciplinary effect that it would have, that is, it would minimize the chances of the committee going off in multiple directions. A certain time limit would provide the incentive for getting on with the basic and central issues of the impeachment inquiry.

Third. The minority on the committee, meaning the Republican side, does not have unfettered authority to issue subpoenas. I believe that in these extraordinary proceedings the right should be given to the minority side to issue subpoenas. If only the majority side has the right to issue subpoenas, the entire inquiry is open to attack as being unfair. It is vital that the American public have confidence in the integrity and impartiality of this investigation. It is just as important for those who support President Nixon to believe that the inquiry is fair as it is for those who oppose him. If the minority does not have the right to compel witnesses to come before the committee, as does the majority, the entire proceedings are open to attack by the supporters of President Nixon as being unjust and unfair.

I made my decision on this vote in an impartial and objective manner. I asked myself how I would feel if the person involved were Lyndon Johnson, John F. Kennedy, or George McGovern. When I concluded in my heart that I would accord the same rights to any of these men were he President of the United States today, I decided I could certainly do no less for President Nixon.

I was asked following my vote what would have happened if my side had prevailed, that is, if the resolution had been voted down. The answer is quite simple: The House Judiciary Committee would have come back with a resolution which would have been fairer and which would have insured a greater degree of impartiality in the proceedings. Then, under those circumstances, I would have voted for the resolution.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during considera-

The SPEAKER. Is there objection to

February 6, 1974

## CONGRESSIONAL RECORD—HOUSE

the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLODY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 70, not voting 17, as follows:

[Roll No. 20]

YEAS—342

Abdnor	Culver	Hays
Abzug	Daniel, Dan	Hébert
Adams	Daniels	Heckler, W. Va.
Addabbo	Dominick V.	Heckler, Mass.
Alexander	Danielson	Heinz
Anderson, Calif.	Davis, Ga.	Holstoski
Anderson, Ill.	Davis, S.C.	Henderson
Andrews, N.C.	de la Garza	Hicks
Andrews, N. Dak.	DeLaney	Hillis
Annunzio	DeLaney	Hinshaw
Arends	Dellenback	Holtz
Armstrong	Dellums	Holtzman
Ashley	Denholm	Horton
Aspin	Dent	Hosmer
Badillo	Devine	Howard
Barrett	Dickinson	Hudnut
Bell	Diggs	Hungate
Bennett	Dingell	Hunt
Bergland	Donohue	Hutchinson
Bevill	Dorn	Jarman
Blester	Downing	Johnson, Calif.
Bingham	Dulski	Johnson, Colo.
Blatnik	du Pont	Johnson, Pa.
Boggs	Eckhardt	Jones, N.C.
Boland	Edwards, Ala.	Jones, Okla.
Bolling	Edwards, Calif.	Jones, Tenn.
Bowen	Ellberg	Jordan
Brademas	Erlenborn	Karth
Brasco	Eshleman	Kastenmeier
Bray	Evans, Colo.	Kawen
Breaux	Evins, Tenn.	Kemp
Breckinridge	Fascell	King
Brooks	Fendley	Kluczynski
Broomfield	Fish	Koch
Brotzman	Fisher	Kyros
Brown, Calif.	Flood	Landrum
Brown, Ohio	Flowers	Latta
Broyhill, N.C.	Flynt	Leggett
Buchanan	Foley	Lehman
Burgener	Ford	Lent
Burke, Calif.	Forsythe	Litton
Burke, Fla.	Fraser	Long, La.
Burleson, Tex.	Frelinghuysen	Long, Md.
Burlison, Mo.	Frey	Lott
Burton	Frenzel	Lujan
Byron	Gaydos	McCloskey
Camp	Gibbons	McCollister
Carey, N.Y.	Ginn	McCormack
Carney, Ohio	Gladue	McDade
Casey, Tex.	Goldwater	McEwen
Cederberg	Gonzalez	McFall
Chamberlain	Goodling	McKay
Chappell	Grasso	McKinney
Chisholm	Gray	Maddison
Clancy	Green, Oreg.	Madden
Clark	Green, Pa.	Mahon
Clawson, Del.	Griffiths	Mailhard
Clay	Grove	Mallory
Cleveland	Gude	Mann
Cohen	Gunter	Maraziti
Collins, Ill.	Guy	Martin, Nebr.
Conable	Hamilton	Mathis, Ga.
Conlan	Hanley	Matsunaga
Conte	Hanna	Mayne
Conyers	Hansen, Idaho	Mazzoli
Corman	Hansen, Minn.	McChes
Cotter	Harrington	McCluer
Coughlin	Hastings	McClure
Crane	Hawkins	McClure
Cronin	Hick	McClure
Culver	Holstoski	McClure
Daniel, Dan	Holtzman	McClure
Daniel, Robert	Horton	McClure
Daniels	Hosmer	McClure
Dominick V.	Howard	McClure
Danielson	Huber	McClure
Davis, B.C.	Hungate	McClure
Davis, Wis.	Hunt	McClure

NAYS—70

Archer	Hanrahan	Ruth
Ashbrook	Hogan	Sebelius
Bafalis	Holt	Shuster
Baker	Huber	Snyder
Bauman	Ichord	Spence
Beard	Ketchum	Steelman
Blackburn	Kuykendall	Stelger, Ariz.
Brinkley	Lott	Symms
Brown, Mich.	McCloskey	Treen
Butler	McCollister	Vander Jagt
Carler	Martin, N.C.	Veysey
Cochran	Miller	Wampler
Collins, Tex.	Mizell	Whitehurst
Crane	Moorehead	Wiggins
Daniel, Robert	Calif.	Wyder
W. Jr.	Myers	Wyllie
Dennis	Nelsen	Young, Alaska
Derwinski	O'Brien	Young, Fla.
Drinan	Parris	Young, Ill.
Duncan	Powell, Ohio	Young, S.C.
Esch	Price, Tex.	Zion
Frenzel	Quie	
Froehlich	Quillen	
Gross	Robinson, Va.	
Hammer-	Robison, N.Y.	
schmidt	Rousselot	

NOT VOTING—17

Broyhill, Va.	Harsha	Passman
Clausen	Jones, Ala.	Rooney, N.Y.
Don H.	Landgrebe	Roy
Coughlin	McSpadden	Shoup
Gubser	Mathias, Calif.	Skubitz
Haley	Mills	Staggers

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Staggers with Mr. Gubser.  
Mr. Rooney of New York with Mathias of California.

Mr. Passman with Mr. Don H. Clausen.

Mr. Roy with Mr. Landgrebe.

Mr. Haley with Mr. Shoup.

Mr. Jones of Alabama with Mr. Broyhill of Virginia.

Mr. McSpadden with Mr. Skubitz.

Mr. Mills with Mr. Harsha.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

A recorded vote was ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—yeas 410, nays 4, not voting 15, as follows:

[Roll No. 21]

AYES—410

Abdnor	de la Garza	Hutchinson
Abzug	DeLaney	Ichord
Adams	Dellenback	Jarman
Addabbo	Dellums	Johnson, Calif.
Alexander	Denholm	Johnson, Colo.
Anderson, Calif.	Dennis	Johnson, Pa.
Anderson, Ill.	Dent	Jones, N.C.
Andrews, N.C.	Derwinski	Jones, Okla.
Andrews, N. Dak.	Devine	Jones, Tenn.
Annunzio	Dickinson	Jordan
Arends	Diggs	Karth
Armstrong	Dingell	Kastenmeier
Ashbrook	Donohue	Kawen
Aspin	Dorn	Kemp
Badillo	Downing	Ketchum
Bafalis	Drinan	King
Baker	Dulski	Kluczynski
Barrett	Duncan	Koch
Bauman	du Pont	Kuykendall
Beard	Eckhardt	Kyros
Bell	Edwards, Ala.	Landrum
Bennett	Edwards, Calif.	Latta
Bergland	Ellberg	Leggett
Bevill	Erlenborn	Lehman
Blaggl	Esch	Lent
Blester	Eshleman	Litton
Bingham	Evans, Colo.	Long, La.
Blatnik	Evins, Tenn.	Long, Md.
Boggs	Fascell	Lott
Boland	Fendley	Lujan
Bolling	Fish	McCloskey
Bowen	Fisher	McCollister
Brademas	Flood	McCormack
Brasco	Flowers	McDade
Bray	Flynt	McEwen
Breaux	Foley	McFall
Breckinridge	Ford	McKay
Brooks	Forsythe	McKinney
Broomfield	Fraser	McCluer
Brotzman	Frelinghuysen	Maddison
Brown, Calif.	Frenzel	Madden
Brown, Ohio	Frey	Mahon
Broyhill, N.C.	Froehlich	Mailhard
Buchanan	Fulton	Mallory
Burgener	Fuqua	Mann
Burke, Calif.	Gaydos	Maraziti
Burke, Fla.	Gibbons	Martin, Nebr.
Burleson, Tex.	Ginn	Martin, N.C.
Burlison, Mo.	Gladue	Mathis, Ga.
Burton	Goldwater	Matsunaga
Byron	Gonzalez	Mayne
Camp	Goodling	Mazzoli
Carey, N.Y.	Grasso	McChes
Carney, Ohio	Gray	McCluer
Casey, Tex.	Green, Oreg.	McClure
Cederberg	Green, Pa.	McClure
Chamberlain	Griffiths	McClure
Chappell	Grove	McClure
Chisholm	Gude	McClure
Clancy	Gunter	McClure
Clark	Guy	McClure
Clawson, Del.	Hamilton	McClure
Clay	Hanley	McClure
Cleveland	Hanna	McClure
Cohen	Hansen, Idaho	McClure
Collins, Ill.	Hansen, Minn.	McClure
Conable	Harrington	McClure
Conlan	Hastings	McClure
Conte	Hawkins	McClure
Conyers	Hick	McClure
Corman	Holstoski	McClure
Cotter	Holtzman	McClure
Coughlin	Horton	McClure
Crane	Hosmer	McClure
Cronin	Howard	McClure
Culver	Huber	McClure
Daniel, Dan	Hungate	McClure
Daniel, Robert	Hunt	McClure
Daniels		
Dominick V.		
Danielson		
Davis, B.C.		
Davis, Wis.		

H 510

## CONGRESSIONAL RECORD—HOUSE

February 6, 1974

Powell, Ohio	Schroeder	Udall
Preyer	Sebelius	Ullman
Price, Ill.	Seiberling	Van Deerin
Price, Tex.	Shipley	Vander Jagt
Pritchard	Shoup	Vanik
Quile	Shriver	Veysey
Quillen	Shuster	Vigorito
Railsback	Sikes	Waggonner
Randall	Sisk	Waldie
Rangel	Slack	Walsh
Rarick	Smith, Iowa	Wampler
Rices	Smith, N.Y.	Ware
Regula	Snyder	Whalen
Reld	Staggers	White
Reuss	Stanton	Whitehurst
Rhodes	J. William	Whitten
Riegle	Stanton	Widnall
Rinaldo	James V.	Wiggins
Roberts	Stark	Williams
Robinson, Va.	Steed	Wilson, Bob
Robinson, N.Y.	Steele	Wilson
Rodino	Steelman	Charles H., Calif.
Roe	Steiger, Ariz.	Wilson, Charles, Tex.
Rogers	Steiger, Wis.	Winn
Roncalio, Wyo.	Stephens	Wolf
Roncalio, N.Y.	Stokes	Wolff
Rooney, Pa.	Stratton	Wright
Rose	Stubblefield	Wyatt
Rosenthal	Stuckey	Wylder
Rostenkowski	Studds	Wylie
Roush	Sullivan	Wyman
Roussellot	Symington	Yates
Roybal	Symms	Yatron
Rumrills	Talcott	Young, Alaska
Ruth	Taylor, Mo.	Young, Fla.
Ryan	Taylor, N.O.	Young, Ga.
St Germain	Teague	Young, Ill.
Sandman	Thompson, N.J.	Young, S.C.
Sarasin	Thomson, Wis.	Young, Tex.
Sarbanes	Thone	Zablocki
Satterfield	Thornton	Zion
Scherle	Tiernan	Zwack
Schneebeli	Towell, Nev.	

NOES—4

Blackburn	Moorhead, Calif.	Treen
Landgrebe		

NOT VOTING—15

Broyhill, Va.	Jones, Ala.	Roy
Clausen	McSpadden	Ruppe
Don H.	Mathias, Calif.	Skubitz
Gettys	Mills	Spence
Gubser	Passman	
Haley	Rooney, N.Y.	

So the resolution was agreed to.  
The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gettys.  
Mr. Haley with Mr. Gubser.  
Mr. Passman with Mr. Ruppe.  
Mr. Roy and Mr. Skubitz.  
Mr. Jones of Alabama with Mr. Spence.  
Mr. McSpadden with Mr. Don. H. Clausen.  
Mr. Mills with Mr. Broyhill of Virginia.

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 191(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. TIERNAN, of Rhode Island; and Mr. STEELE, of Connecticut.

#### APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 United States Code 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. WOLFF, of New York, and Mr. WYDLER, of New York,

#### HEALTH CARE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 93-211)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

##### To the Congress of the United States:

One of the most cherished goals of our democracy is to assure every American an equal opportunity to lead a full and productive life.

In the last quarter century, we have made remarkable progress toward that goal, opening the doors to millions of our fellow countrymen who were seeking equal opportunities in education, jobs and voting.

Now it is time that we move forward again in still another critical area: health care.

Without adequate health care, no one can make full use of his or her talents and opportunities. It is thus just as important that economic, racial and social barriers not stand in the way of good health care as it is to eliminate those barriers to a good education and a good job.

Three years ago, I proposed a major health insurance program to the Congress, seeking to guarantee adequate financing of health care on a nationwide basis. That proposal generated widespread discussion and useful debate. But no legislation reached my desk.

Today the need is even more pressing because of the higher costs of medical care. Efforts to control medical costs under the New Economic Policy have been met with encouraging success, sharply reducing the rate of inflation for health care. Nevertheless, the overall cost of health care has still risen by more than 20 percent in the last two and one-half years, so that more and more Americans face staggering bills when they receive medical help today:

—Across the Nation, the average cost of a day of hospital care now exceeds \$110.

—The average cost of delivering a baby and providing postnatal care approaches \$1,000.

—The average cost of health care for terminal cancer now exceeds \$20,000.

For the average family, it is clear that without adequate insurance, even normal care can be a financial burden while a catastrophic illness can mean catastrophic debt.

Beyond the question of the prices of health care, our present system of health care insurance suffers from two major flaws:

First, even though more Americans carry health insurance than ever before, the 25 million Americans who remain uninsured often need it the most and are most unlikely to obtain it. They include many who work in seasonal or transient occupations, high-risk cases, and those who are ineligible for Medicaid despite low incomes.

Second, those Americans who do carry health insurance often lack coverage

which is balanced, comprehensive and fully protective:

—Forty percent of those who are insured are not covered for visits to physicians on an out-patient basis, a gap that creates powerful incentives toward high-cost care in hospitals;

—Few people have the option of selecting care through prepaid arrangements offered by Health Maintenance Organizations so the system at large does not benefit from the free choice and creative competition this would offer.

—Very few private policies cover preventive services;

—Most health plans do not contain built-in incentives to reduce waste and inefficiency. The extra costs of wasteful practices are passed on, of course, to consumers; and

—Fewer than half of our citizens under 65—and almost none over 65—have major medical coverage which pays for the cost of catastrophic illness.

These gaps in health protection can have tragic consequences. They can cause people to delay seeking medical attention until it is too late. Then a medical crisis ensues, followed by huge medical bills—or worse. Delays in treatment can end in death or lifelong disability.

#### COMPREHENSIVE HEALTH INSURANCE PLAN (CHIP)

Early last year, I directed the Secretary of Health, Education, and Welfare to prepare a new and improved plan for comprehensive health insurance. That plan, as I indicated in my state of the Union message, has been developed and I am presenting it to the Congress today. I urge its enactment as soon as possible. The plan is organized around seven principles:

First, it offers every American an opportunity to obtain a balanced, comprehensive range of health insurance benefits;

Second, it will cost no American more than he can afford to pay;

Third, it builds on the strength and diversity of our existing public and private systems of health financing and harmonizes them into an overall system;

Fourth, it uses public funds only where needed and requires no new Federal taxes;

Fifth, it would maintain freedom of choice by patients and ensure that doctors work for their patient, not for the Federal Government;

Sixth, it encourages more effective use of our health care resources;

And finally, it is organized so that all parties would have a direct stake in making the system work—consumer, provider, insurer, State governments and the Federal Government.

#### BROAD AND BALANCED PROTECTION FOR ALL AMERICANS

Upon adoption of appropriate Federal and State legislation, the Comprehensive Health Insurance Plan would offer to every American the same broad and balanced health protection through one of three major programs:

—First, a program of health insurance, covering most Americans and offered at their place of employment, with the cost to be shared by the employer